

Decision Notice and Finding of No Significant Impact

WOOD CREEK CATTLE AND HORSE

“ON-OFF” ALLOTMENT

USDA Forest Service, Intermountain Region
Mountain Home Ranger District, Boise National Forest
Elmore County, Idaho

September 2009



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DECISION

Based on my review of the information documented in the Wood Creek Cattle and Horse "On-Off" Allotment Environmental Assessment (EA) (September 2009), the Finding of No Significant Impact documented below, public comments, and other documents contained in the project file, I have decided to implement the proposed action alternative with mitigation for sage-grouse. I have also determined that more consistent implementation of Forest Plan riparian utilization standards needs to occur on this allotment.

Specifically, the proposed action for the Wood Creek Allotment would continue to authorize 43 cow/calf pairs to graze the "on" (NFS) portion of the allotment for a season of June 1 through November 15 each year. However, to protect nesting sage grouse, the grazing season would be adjusted to begin on June 16 for those NFS lands that contain suitable sage grouse nesting habitat within a three-mile buffer of known lek sites. This mitigation does not preclude livestock from grazing those portions of NFS land that are not identified as suitable nesting habitat within the three-mile buffer or are outside the buffer before June 15th. The "off" portion of the allotment, which is composed private land and land held in trust by the State of Idaho, would continue to be grazed by 957 cow/calf pairs from June 1 through November 15. This allotment is divided into units that are grazed on a deferred rotation. There would continue to be some flexibility in allotment administration allowed for weather conditions, range readiness, and livestock needs. If the forage is fully utilized or the Forest Service determines that further grazing would damage resources, the permittee may be required to remove livestock early.

Grazing would continue on the allotment consistent with standards, guides, terms, and conditions listed in the Term Grazing Permit, as supplemented by Annual Operating Instructions (AOIs), as well as with direction specified in the standards and guidelines of the Forest Plan. These standards may be modified by the Responsible Official to accelerate attainment of the desired conditions, and include:

- Maximum forage utilization of representative areas within each pasture containing National Forest System lands will not exceed the values shown below at the end of the growing season. Those utilization levels are as follows:
 - Riparian Areas: Maximum 45 percent use or retain a minimum 4-inch stubble height of hydric greenline species whichever occurs first (Forest Plan Standard RAST01, p.III-45).

- Upland Vegetative Cover Types: Vegetative slow growth, after seed ripe conditions, or late season pastures – 50 percent use (Forest Plan Standard RAST01, p.III-45);
- Livestock salting is prohibited in Riparian Conservation Areas (RCAs) (Forest Plan Standard RAST04, III-45). Place salt no closer than ¼ mile from water and not within 100 feet of designated roads. Move salt from areas where utilization standards have been met (Terms and Conditions).
- All water developments must provide access and escape to and from water for all types of wildlife (this requirement is a part of the Terms and Conditions for the allotment that exceeds the requirements of Forest Plan Standard RAST09, p. III-45).
- Only certified noxious weed-free hay, straw, or feed is allowed on National Forest System lands (Forest Plan Standard NPST01, p. III-36).
- On all lands outside of designated travelways, motorized use is prohibited, unless otherwise authorized (Forest Plan Standard REST04, p. III-64).
- Bulls must test negative for Trichomoniasis before entering National Forest System lands (This requirement is in the Annual Operating Instructions).

The Forest Plan contains wildlife standard WIST03:

Mitigate management actions within known nesting or denning sites of MIS or Sensitive species if those actions would disrupt the reproductive success of those sites during the nesting or denning period. Sites, periods, and mitigation measures shall be determined during project planning (Forest Plan, p. III-27).

The current season of use is not consistent with this standard in regards to sage grouse, which have been designated as Sensitive in Region 4 of the NFS. The Wildlife Biologist recommended, and I accepted, a mitigation measure that would restrict the season of use in suitable nesting habitat on the allotment until after the April 1 to June 15 nesting period for sage grouse. This mitigation is applied in a three-mile buffer around known lek locations. To attain consistency with this standard, this mitigation would change the date at which cattle are allowed to enter those portions of NFS land of the allotment with suitable nesting habitat within a three-mile buffer of known lek locations from June 1 to June 16, each year. This mitigation does not, however, preclude livestock from using those portions of NFS land that are not identified as suitable nesting habitat or are outside of the three-mile buffer before June 15th.

The proposed action includes continued monitoring of the allotment through grazing permit administration, which includes monitoring unit rotation and forage utilization and inspections of range improvements (water developments, fences, corrals, etc.) as needed. As previously indicated, a more concerted effort in riparian monitoring will be undertaken to ensure that in riparian monitoring are met on a regular basis.

All existing range improvements, such as fences and water developments, are required to be brought to properly functioning condition each grazing season prior to livestock entering the allotment (or unit within the allotment), as defined in the Term Grazing Permit (see Project Record). There are no additional improvements proposed for the Wood Creek Allotment.

As a result of the 2006 North Sheep decision (*Western Watersheds Project v. USFS*, Case No. CV-05-189-E-BLW, District Court of Idaho), Forest Plan Capability Analyses and Site-Specific Capability Analyses are required for all allotments. These analyses have been completed for the Wood Creek Allotment and the Rangeland Management Specialist has determined that there is sufficient capable rangeland to support permitted numbers on this allotment (EA, Section 3.2.2.1).

The Wood Creek Cattle and Horse "On-Off" Allotment (Wood Creek Allotment) encompasses about 20,690 acres, including about 5,590 acres of National Forest System (NFS) land, about 180 acres of land held in trust by the State of Idaho and about 14,910 acres of private land. A small portion of the eastern side of the allotment is located within the proclaimed boundary of the Sawtooth National Forest, but is under the administrative authority of the District Ranger of the Mountain Home Ranger District of the Boise National Forest. The remainder of the allotment lies within the Boise National Forest.

The allotment is located in Elmore County, Idaho, about 46 miles east of Mountain Home. It is located in Township 1 South, Range 9 East, sections 1 to 3, 10 to 15, and 22 to 24; Township 1 South, Range 10 East, sections 2 to 10, and 15 to 21; Township 1 North, Range 9 East, sections 24 to 27 and 35 to 36; and Township 1 North, Range 10 East, sections 17 to 21 and 28 to 34; Boise Meridian (Figure 1).

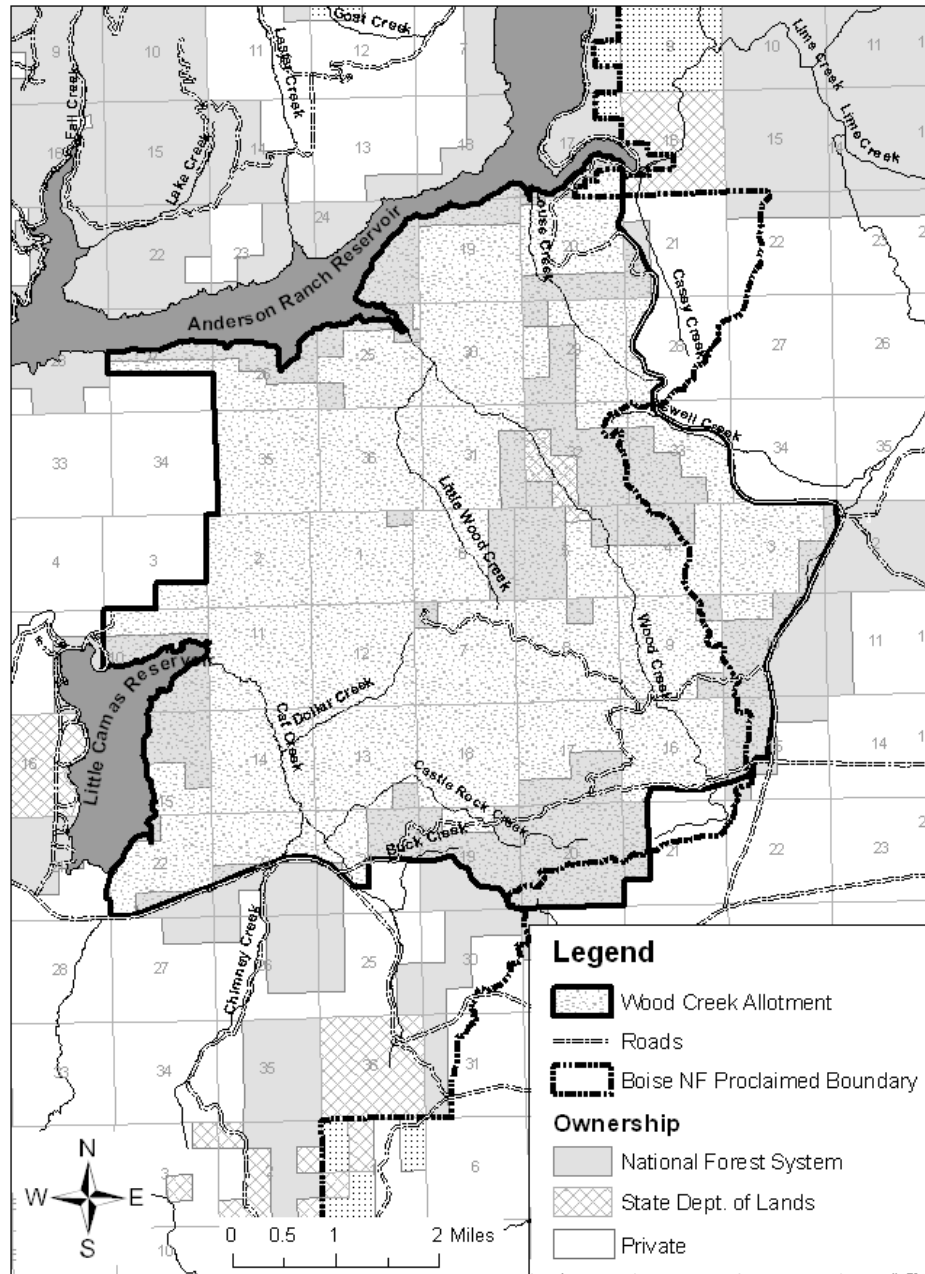


Figure 1. Location of the Wood Creek Allotment

PURPOSE AND NEED

The need for this action is to authorize the appropriate level of livestock use within the Wood Creek Allotment under updated management direction designed to achieve management objectives and move existing resource conditions toward desired conditions. Authorizing continued grazing would address the objectives of the range management program in the National Forest System and the goals and objectives in the Boise National Forest Land and Resource Management Plan (Sections 1.4 and 1.6 of the EA).

DECISIONS TO BE MADE

As disclosed in Section 1.5 of the EA, I am making the following decisions for the Wood Creek Allotment:

1. Whether to authorize continued grazing on the Wood Creek Allotment.
2. If grazing is allowed to continue, whether management changes would likely be necessary to address the Forest Plan's goals, objectives, and desired future conditions for the NFS land in this allotment; and
3. Whether the resulting action would likely result in significant impacts necessitating the preparation of an environmental impact statement (EIS).

RATIONALE FOR DECISION

This decision best meets the purpose and need for the project. My reasons for proceeding with this action are as follows:

1. Authorizing continued grazing will address the objectives of the range management program in the National Forest System and the goals and objectives in the Boise National Forest Land and Resource Management Plan.
 - a. The objectives of the range management program in the National Forest System are:
 - To manage the range vegetation to protect basic soil and water quality resources, provide for ecological diversity, improve or maintain environmental quality, and meet public need for interrelated resource use [FSM 2202.1(1)].
 - To integrate management of range vegetation with other resource programs to achieve multiple use objectives contained in forest land and resource plans [FSM 2202.1(2)].
 - To provide livestock forage, wildlife food and habitat, outdoor recreation, and other resource values dependent on range vegetation [FSM 2202.1(3)].
 - To contribute to the economic and social well being of people by providing opportunities for economic diversity and by promoting stability for communities that depend on range resources for their livelihood [FSM 2202.1(4)].
 - To provide expertise on range ecology, botany, and management of grazing animals [FSM 2202.1(4)].

Authorization to graze the specific area is needed through a project-level NEPA decision (FSH 2209.13 Chapter 91). If the decision is made to authorize livestock grazing, Allotment Management Plans (AMPs) implement the applicable management direction from the NEPA decision.

- b. The Forest Plan provides for the multiple-use and sustained yield of goods and services from the forest. Forest plans determine the capability and suitability of the plan area and establish programmatic direction including goals, objectives, standards, guidelines, and monitoring requirements. Forest Plan management direction for rangeland resources includes the following goals:

- Provide for livestock forage within existing open allotments, in a manner that is consistent with other resource management direction and uses.
- Manage rangelands using controlled livestock grazing, range structural and non-structural improvements, vegetative and ground rehabilitation, fire, and timber management in various combinations to meet desired conditions.
- Manage upland vegetation on suitable rangelands to maintain or restore hydrologic function and soil productivity of watersheds containing allotments.
- Manage herbaceous and shrub vegetation on suitable rangelands to meet resource objectives in an efficient manner.
- Manage livestock grazing within riparian areas to accommodate the maintenance or restoration of aquatic and riparian processes and functions.
- Coordinate livestock grazing to address conflicts with other resource uses in a manner that is consistent with Forest Plan management direction.

The selected alternative was designed to comply with the Forest Plan and the livestock grazing standards and guidelines that it promulgates as a means of achieving the Forest Plan's goals. The Forest Plan contains wildlife standard WIST03:

Mitigate management actions within known nesting or denning sites of MIS or Sensitive species if those actions would disrupt the reproductive success of those sites during the nesting or denning period. Sites, periods, and mitigation measures shall be determined during project planning (Forest Plan, p. III-27).

As previously indicated, the current season of use is not consistent with this standard in regards to sage grouse. Sage grouse have been designated as Sensitive in Region 4 of the NFS. The Wildlife Biologist recommended, and I accepted, a mitigation measure that would restrict the season of use in suitable nesting habitat within a three-mile buffer of known lek locations on the allotment until after the April 1 to June 15 nesting period for sage-grouse. To attain consistency with this standard, this mitigation would change the date at which cattle are allowed to enter those portions of NFS land of the allotment with suitable nesting habitat within a three-mile buffer of known lek locations from June 1 to June 16, each year. This mitigation would not preclude livestock from using those portions of NFS land that are not identified as suitable nesting habitat or are outside of the three-mile buffer before June 15th.

The Forest Plan at the programmatic level identified the NFS lands within this allotment as suitable for livestock grazing. The Forest Plan also contains direction for proper management of livestock within the allotment. That direction provides desired conditions for rangeland resources, for which the long-term goals are

A sustainable level of forage, consistent with other resource management direction, is available for use through the Forest Service grazing permit system. Rangeland forage quality is maintained or improved in areas where vegetation management projects and range management actions occur. Riparian areas continue to be a focal point for providing vegetative diversity, landscape capability, soil productivity, wildlife habitat, proper stream channel function and water quality important to sustaining beneficial uses. Riparian areas are functioning properly and/or have improving trends in vegetative composition, age class structure and vigor. Upland range vegetation is contributing to proper hydrologic function. The composition and

densities of shrubs, grasses and forbs are variable and dynamic across the landscape (Forest Plan, p. III-44).

The allotment lies in Forest Plan Management Area 1 - *Lower South Fork Boise River*, as designated by Forest Plan, and within management prescription categories (MPC) 4.2 – *Roaded Recreation Emphasis* and 6.1 - *Restoration and Maintenance Emphasis within Shrubland and Grassland Landscapes* (Forest Plan, pp. III-92-105).

The project record contains a checklist documenting each interdisciplinary team (IDT) resource specialist's consideration of the selected alternative's consistency with Forest Plan standards and guidelines.

2. This decision adequately addresses the concerns expressed in public comments.
 - a. **Disclosure of whether the proposed action and no grazing alternative have the potential to affect native plant diversity, and if so, the context and intensity of the potential effect. This disclosure addresses comment 27 in the Appendix of the EA.**

After reviewing the EA, I have determined that the selected alternative will not have a substantial effect on native plant diversity (EA, Section 3.5.1.2). This allotment is being administered to Forest Plan Standards, which have been established to allow the attainment of desired conditions over time. Forest Plan Standards contain direction for proper management of livestock grazing within the allotment area which will likely insure native plant diversity.

- b. **Disclosure of whether the proposed action and no grazing alternative have the potential to affect browse utilization, and if so, the context and intensity of the potential effect. This disclosure addresses comment 16 in the Appendix of the EA.**

The selected alternative will have no effect to browse utilization (EA, Sections 1.9 and 3.4). Consistent administration to riparian standards will allow limited utilization on riparian browse species within acceptable limits.

- c. **Disclosure of whether the proposed action and no grazing alternative have the potential to affect wildlife habitat and habitat connectivity, and if so, the context and intensity of the potential effect. This disclosure addresses comment 11 in the Appendix of the EA.**

Grazing within management guidelines will not impact habitat connectivity for wildlife species (EA, Section 3.7.3.1.1).

Disclosure of whether the proposed action and no grazing alternative have the potential to affect Threatened, Endangered, or Sensitive species and management indicator species (wildlife, plants, and fish), and if so, the context and intensity of the potential effect. This disclosure addresses comment 12 in the Appendix of the EA.

The selected alternative will have "no effect" to Canada lynx (*Lynx canadensis*) (Threatened), yellow-billed cuckoo (*Coccyzus americanus*) (Candidate) (EA, Section

- 3.7.2 and BA, Project Record), or Columbia River bull trout (*Salvelinus confluentus*) (EA, Section 3.6.2.1 and BA, Project Record). The selected alternative "would not likely jeopardize continued existence or adversely modify proposed critical habitat" for slickspot peppergrass (*Lepidium papilliferum*) (EA, Section 3.5.2.1). The selected alternative "may impact individuals, but will not likely contribute to a trend towards Federal listing or loss of viability to the populations or species" for slender-leaf moonwort (*Botrychium lineare*), beautiful byrum (*Byrum calobryoides*), small phacelia (*Phacelia minutissima*) or bugleg goldenweed (*Pyrrocoma insecticurus*) (EA, Section 3.5.2.1). The selected alternative will not affect Management Indicator Species white-headed woodpecker (*Picoides albolarvatus*) (also a Sensitive species) or pileated woodpecker (*Dryocopus pileatus*) (EA, Section 3.7.2). The selected alternative would also have "no impact to any population, species or habitat" for flammulated owl (*Otus flammeolus*), great gray owl (*Strix nebulosa*), mountain quail (*Oreortyx pictus*), spotted bat (*Euderma maculatum*), Townsend's big-eared bat (*Corynorhinus townsendii*), spotted frog (*Rana luteiventris*), bald eagle (*Haliaeetus leucocephalus*) or gray wolf (*Canis lupus*) (EA, Section 3.7.3.1).
- d. **Disclosure of whether the proposed action and no grazing alternative have the potential to affect sagebrush-obligate and riparian-dependent bird species habitat, and if so, the context and intensity of the potential effect. This disclosure addresses comments 14 and 17 in the Appendix of the EA.**
- Migratory birds are present during the implementation period (normally present from end of June to October). Project activities could displace individuals any time during this period. Unintentional take could occur through destruction of nests and nestlings. However, activities associated with grazing on this allotment would have little influence on migratory birds. The Wood Creek Allotment is 5,591 acres of NFS lands with 43 head of cattle authorized primarily after the nesting season. (EA, Section 3.9.8).
- e. **Disclosure of whether the proposed action and no grazing alternative have the potential to affect soils, wetlands, riparian habitats, and water quality, and if so, the context and intensity of the potential effect. This disclosure addresses comments 3, 21, and 27 in the Appendix of the EA.**

The Forest Soils Scientist estimated cumulative detrimental disturbance and cumulative total soil resource commitment likely to result from the selected alternative as 4.5 percent, and 1.2 percent, respectively. Both of these estimates are within Forest Plan standards (EA, Section 3.3.1.2). The Forest Hydrologist determined that the temperature and sediment/turbidity watershed condition indicators (WCIs) for water quality would likely be maintained or show no measurable change in the temporary, short, and long term under the selected alternative. Negligible or non-measurable improvements in stream temperature would occur as RCA conditions continue on an improving trend (EA, Section 3.6.2). The selected alternative would result in no net loss of wetlands (EA, Section 3.9.4). With Forest Plan standards functioning as intended, the overall condition of the riparian conservation area (RCA) WCIs would show negligible improvements in the temporary, short, and long term (EA, Section 3.6.3).

- f. **Disclosure of whether the proposed action and no grazing alternative have the potential to affect the amount of detrimental soil conditions that exist, including potential effect, if any, on microbiotic crusts, and if so, the context and intensity of the potential effect. This disclosure addresses comment 28 in the Appendix of the EA.**

Continued implementation of current grazing strategies is not expected to change the amount of biological soil crusts that may be present on the allotment or alter the current trend (EA, Section 3.3.1.1).

- g. **Disclosure of the consistency of the proposed action and no grazing alternative with the Clean Water Act. This disclosure addresses comments 3 and 21 in the Appendix of the EA.**

The selected alternative is consistent with the Clean Water Act (EA, Section 3.9.2).

- h. **Disclosure of whether the proposed action and no grazing alternative have the potential to affect cultural resources, and if so, the context and intensity of the potential effect. This disclosure addresses comment 31 in the Appendix of the EA.**

Implementation of the continued grazing alternative would result in no effect to historic properties (EA, Section 3.9.9).

PUBLIC INVOLVEMENT

As required by 36 CFR Part 215, the 30-day Notice and Comment period for the Wood Creek Allotment analysis occurred in 2004. A "Legal Notice of Proposed Action" was published in *The Idaho Statesman*, the newspaper of record, on November 5, 2004, and Proposed Action Reports were mailed to several interested agencies, groups, and individuals. Comments were received on both the Wood Creek and Moores Flat allotments because the Notice and Comment period for these allotments was conducted concurrently. The Forest Service's consideration of comments received that expressed opposition or concern with the proposed action is attached to this EA as the Appendix. This analysis has also been posted on the Forest Service's Schedule of Proposed Actions (SOPA) since 2004.

ALTERNATIVES CONSIDERED

Alternatives Considered in Detail

Based on public input, the IDT identified no unresolved conflicts to analyze in depth that would result in the need to develop and consider alternatives to the proposed action (36 CFR §220.7(b)(2)(i)). Based on its consideration of public input, the IDT recommended and I approved the proposed action and a no grazing alternative to the proposed action. With no new issues or alternatives being raised during the scoping process, and to better focus this assessment, I determined that the scope (40 CFR §1508.25, 2007) of this project would be limited to the proposed action as described in Section 1.3 of the EA and a no grazing alternative (36 CFR §220.7(b)(2)(i), 73 FR 43084 et seq., 7/24/08).

The proposed action for the Wood Creek Allotment was "Continued Grazing." This was also the no action alternative, because the Forest Service proposed no major changes to existing management of

the allotment. The proposed action is described in detail beginning on page 3 of the EA and on pages 1 and 2 of this Decision Notice.

I also considered the no grazing alternative. The no grazing alternative would have required a minimum of two years' notice to the permittee before being implemented. Under the no grazing alternative, grazing on NFS land would have been eliminated no sooner than two years after the implementation of the decision selecting this alternative. Once implemented, the no grazing alternative would have eliminated livestock grazing on about 5,590 acres of NFS land. This alternative would have eliminated 238 head months of grazing opportunity on NFS land for the permittee's herd.

The no grazing alternative would also have required the removal of approximately five miles of fence and one water development on NFS land on the Wood Creek Allotment once livestock grazing on NFS land is phased out. The pond that exists on NFS land would have remained in place, but would have no longer been available to the permittee's livestock after two years. An additional 5.5 miles of fence on NFS land might also have been removed along the Castle Rock Road if livestock could have been effectively controlled while trailing through this area without the fence.

It is assumed the private landowner would have continued to graze their private property at the same intensity and duration at which it is currently grazed. In order for the private landowner to effectively graze their private property and to prevent livestock trespass on NFS land, the landowner on the Wood Creek Allotment would have needed to construct approximately 43.5 miles of fence on their private land boundary.

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the Council on Environmental Quality (CEQ) regulations for significance (40 CFR §1508.27) and have determined that this decision is not a major federal action that will significantly affect the quality of the human environment, either individually or cumulatively. Preparation of an Environmental Impact Statement (EIS) pursuant to Section 102(2)(c) of the NEPA is not required. This determination is based on the following factors, as outlined in 40 CFR §1508.27:

a. The decision to continue to authorize grazing will be limited in geographic application (40 CFR §1508.27(a)).

The amount of land affected by this decision is a small subset of the public and private land within the proclaimed boundaries of the Boise and Sawtooth National Forests in Elmore County, Idaho. The Wood Creek Allotment encompasses about 20,690 acres, including about 5,590 acres of NFS land, about 180 acres of land held in trust by the State of Idaho, and about 14,910 acres of private land on a Ranger District of about 540,000 acres and in a county of about 1.9 million acres.

b. The decision to continue to authorize grazing does not cause significant beneficial or adverse impacts (40 CFR §1508.27(b)(1)).

The selected alternative continues to authorize the appropriate level of livestock use within the allotment under updated management direction to achieve management objectives and move existing resource conditions toward desired conditions. Specifically, the proposed action for the Wood Creek Allotment would continue to authorize 43 cow/calf pairs to graze the "on" (NFS) portion of the allotment for a season of June 1 through November 15 each year. However, to protect nesting sage grouse, the grazing season would be adjusted to begin on June 16 for those NFS lands that contain suitable sage grouse nesting habitat within a three-mile buffer of known lek locations. The "off" portion of the

allotment, which is composed of private land and land held in trust by the State of Idaho, would continue to be grazed by 957 cow/calf pairs from June 1 through November 15. There will be some flexibility in allotment administration allowed for weather conditions, range readiness, and livestock needs. There will be no need for significant changes to allotment boundaries or construction of fences by the permittee to keep cattle off NFS lands as would be required under the no grazing alternative.

Under management direction currently in effect on the allotment, soil, vegetative and hydrologic conditions will continue to change toward desired levels. There will be no effect to Threatened bull trout or any other listed species (EA, Sections 3.3.1, 3.4.1, and 3.6.2). The selected alternative is not likely to jeopardize Proposed slickspot peppergrass, and may impact individual Sensitive plants but will not likely contribute to a trend towards federal listing of any Sensitive plant species (EA, Section 3.5.2.1). The selected alternative may impact Sensitive sage-grouse and gray wolf, but will not likely cause a trend to federal listing or loss of viability of these populations (EA, Section 3.7.3).

Cumulative detrimental soil disturbance and cumulative total soil resource commitment likely to result from the selected alternative are likely to be about 4.5 percent, and 1.2 percent, respectively. Both of these estimates are within Forest Plan standards (EA, Section 3.3.1.2). The Forest Hydrologist determined that upland soil-hydrologic, and RCA functions and processes should be maintained where currently functioning appropriately, and trending toward desired condition where currently not at desired conditions. Further, negative effects from cattle grazing on water quality and associated beneficial uses would likely be reduced on NFS land because the selected alternative requires proper use of streamside riparian vegetation and minimal use in those areas identified as needing improvement (EA, Section 3.6.3.1). The selected alternative will likely result in no increase in flood hazard (EA, Section 3.9.3), and no net loss of wetlands (EA, Section 3.9.4). Potential negligible improvements in water quality with negligible improvements in stream temperature, and slight reductions in sediment, would occur as vegetative conditions within and outside of RCAs continue on an improving trend where not currently meeting desired conditions (EA, Section 3.6.3.1.1). As vegetation conditions in the allotment improve where not currently meeting desired conditions, the potential for sediment inputs would continue to decrease and width to depth ratio and streambank condition would improve negligibly (EA, Section 3.6.3.1.1). There will likely be no adverse effects to cultural resources (EA, Section 3.8.2 and 3.9.9).

c. The decision to continue to authorize grazing will not significantly affect public health or safety (40 CFR §1508.27(b)(2)).

The public raised no concerns about the effects of the selected alternative might have on public health and safety. My decision to continue to authorize grazing on the allotment does not, on its own, authorize any new ground-disturbing activities or direct changes to the environmental status quo.

d. The decision to continue to authorize grazing will not significantly affect any unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (40 CFR §1508.27(b)(3)), does not adversely affect anything listed or eligible for listing in the National Register of Historic Places, nor does it cause loss or destruction of significant scientific, cultural, or historic resources (40 CFR §1508.27(b)(8)).

The selected alternative will not adversely affect historic properties. The Forest Archeologist reviewed the selected alternative under the terms of the Programmatic Agreement that the Forest Service has with the State Historic Preservation Officer regarding the Rangeland Management

Program (FS Agreement No. 06-MU-11040218-059). Potential adverse effects to historic properties have not been identified and are not likely to occur (EA, Section 3.8.2 and 3.9.9).

The selected alternative will not increase flood hazards (EA, Section 3.9.3) or result in a loss of wetlands (EA, Section 3.9.4). There are no prime farmlands, rangeland, or forest lands located on the Boise National Forest (Boise National Forest Revised Land and Resource Management Plan FEIS, p. 3-979). There are no inventoried roadless areas in the allotment (EA, Section 3.9.11).

There are no congressionally designated areas, Research Natural Areas, protected caves, or parklands on the Wood Creek Allotment (EA, Section 3.9.11).

e. There is no scientific controversy surrounding the effects this decision will produce.

There are differing opinions in the community on the importance of maintaining grazing opportunities on public land. While some have disagreed with the proposal or its need, there has been little controversy about the *effects* disclosed in the analysis. In other words, although some may not support the continued authorization of grazing on the allotment, the public comments did not materially question the effects analysis on scientific grounds.

f. The decision to continue to authorize grazing does not establish any highly uncertain, unique, or unknown risks (40 CFR §1508.28(b)(5)).

There are no unique, highly uncertain, or unknown environmental risks associated with the continued authorization of grazing on the allotment. The effects of grazing will be similar to the effects of grazing on other allotments where analyses have been completed, both on NFS land administered by the Boise National Forest and at a broader scale. The Wood Creek Allotment will continue to be used primarily for agricultural purposes.

g. The decision to continue to authorize grazing does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration (40 CFR §1508.27(b)(6)), nor is it related to other actions with individually insignificant but cumulative significant impacts (40 CFR §1508.27(b)(7)).

This is a project-level decision. The nature of this decision is not precedent setting, nor does it represent a precedent for any future decisions, as livestock grazing has been and will continue to be permitted on NFS land administered by the Boise National Forest and other National Forests under standards and guidelines designed to achieve management objectives and move existing resource conditions toward desired conditions. Any future designation of grazing allotments would be subject to the appropriate level of NEPA analysis and public involvement, and considered on their own merits.

The EA discloses the projected cumulative effects of the selected alternative (EA, Chapter 3). The discussions consider the effects of other past, present, or reasonably foreseeable future actions on these lands that might accumulate with the likely direct and indirect effects of the selected alternative. As documented in the EA, few direct and indirect effects are likely to result from the selected alternative, and none would combine with the effects of other past, present, or reasonably future actions to a significant extent.

h. The decision to continue to authorize grazing would not adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (40 CFR §1508.27(b)(9)).

I have reviewed the analysis in the EA (Sections 3.5.1, 3.6.1, and 3.7.1) and a biological assessment evaluating impacts to threatened and endangered species that has been prepared for this analysis (Project Record). The District Wildlife Biologist considered effects of the selected alternative to listed wildlife species with habitats on the Mountain Home Ranger District. The selected alternative would likely have no effect to Canada lynx (*Lynx canadensis*) (Threatened) or yellow-billed cuckoo (*Coccyzus americanus*) (Candidate).

Columbia River bull trout (*Salvelinus confluentus*) are listed as Threatened under the Endangered Species Act (ESA). However the selected alternative would have "no effect" on bull trout because the Wood Creek Allotment does not occur within any potential or existing bull trout population, or designated critical habitat.

The Zone Botanist considered effects to rare plants. There is a low likelihood that suitable habitat is present within the Wood Creek Allotment for slickspot peppergrass (*Lepidium papilliferum*) (Proposed for ESA listing), and the selected alternative will not likely jeopardize continued existence or adversely modify proposed critical habitat (EA, Section 3.5.2.1).

i. The decision to continue to authorize grazing does not threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment (40 CFR §1508.27(b)(10)).

The selected alternative will not significantly affect the following elements of the human environment, which are specified in statute, regulation, or executive order (EA, Section 3.9): water quality under the Clean Water Act; floodplains under Executive Order 11988, Floodplain Management; wetlands under Executive Order 11990, Protection of Wetlands; prime farmland, rangeland, and forest land under USDA Regulation 9500-3; the Federal Land Policy and Management Act; minority and low-income populations under Executive Order 12898, Environmental Justice; migratory birds under Executive Order 13186, Protection of Migratory Birds; and there are no inventoried roadless areas (IRAs), congressionally designated areas, Wild and Scenic Rivers, Research Natural Areas, protected caves, or parklands on the Wood Creek Allotment. The selected alternative will also not significantly affect listed species under the Endangered Species Act (EA, Sections 3.5, 3.6 and 3.7) or historic or cultural properties under the National Historic Preservation Act (EA, Sections 3.8 and 3.9.9).

CONSISTENCY WITH THE FOREST PLAN, LAWS, REGULATIONS, AND POLICY

I have reviewed this decision for compliance with laws, regulations, and policies. To the best of my knowledge, this decision is in compliance with all applicable laws, regulations, and policies.

National Forest Management Act

This decision is consistent with the National Forest Management Act (NFMA)(16 USC §§1600-1614). There are no project-level determinations in the NFMA that need to be made as part of this decision. This decision does not involve the approval of any timber harvest. Since the Forest Plan was prepared under the NFMA, see also "Consistency with the Forest Plan" below.

Consistency with the Forest Plan

Management of the Boise National Forest and areas within the proclaimed boundaries of the Sawtooth National Forest administered by the Boise National Forest, including the project area, is guided by the 2003 Forest Plan. Chapter III of the Forest Plan describes management direction to

guide Forest Service personnel to achieve desired outcomes and conditions for both land stewardship and public service. This direction is presented in two sections: (1) forest-wide management direction, and (2) management area description and direction. The forest-wide management direction provides general direction for all forest resources and the foundation for more specific direction at the management area level. The management area description and direction describes these areas in detail, highlights resource areas of importance or concern, and prescribes specific management direction to address these concerns.

The EA for the Wood Creek Cattle and Horse "On-Off" Allotment is tiered to the Final Environmental Impact Statement (FEIS) and planning record supporting the 2003 revised Forest Plan, including documentation related to the Continuous Assessment and Planning (CAP) process described in Chapters III and IV of the Forest Plan. This documentation includes monitoring reports implementation guides, and errata and corrections to the 2003 FEIS and Forest Plan. Documented analyses in the Forest Plan FEIS have been referenced rather than repeated in some instances. Analyses pertaining to the FEIS for the 2003 Forest Plan are contained in the Forest Planning record located at the Boise National Forest Supervisor's Office in Boise, Idaho.

Agency-level direction and Forest Plan management direction are described on pages 4 to 6 of this document.

Findings Required by Other Laws and Regulations

I find the selected alternative to be consistent with the other laws, regulations and policies governing the management of NFS lands, including:

- **National Historic Preservation Act of 1966 (Refer to Section 3.9.9 of the EA)**

After reviewing the Wood Creek Cattle and Horse "On-Off" Allotment EA and project record, I find that the selected alternative will have no adverse effect to historic properties. The State Historic Preservation Officer (SHPO) has concurred with the Forest Service's determination that the Wood Creek Allotment has no adverse effect to historic properties. This concurrence is included in the project record.

- **Endangered Species Act (Refer to Section 3.9.1 of the EA)**

After reviewing the Wood Creek Cattle and Horse "On-Off" Allotment EA and project record, I find that the selected alternative is consistent with the Endangered Species Act. The District Wildlife Biologist considered effects to listed wildlife species with the potential to exist on the Mountain Home Ranger District. After considering the effects of the selected alternative on Canada lynx (*Lynx canadensis*), and yellow-billed cuckoo (*Coccyzus americanus*), it was determined that no habitat for these species exists on the allotment. The selected alternative will have "no effect" on Canada lynx or yellow-billed cuckoo.

The Fisheries Biologist determined that the selected alternative would have "no effect" on bull trout because the Wood Creek Allotment does not occur within any potential or existing bull trout population, or designated critical habitat.

The Zone Botanist considered effects to rare plants. There is a low likelihood that suitable habitat is present within the Wood Creek Allotment for slickspot peppergrass (*Lepidium papilliferum*) (Proposed for ESA listing), and the selected alternative would not likely jeopardize continued existence or adversely modify proposed critical habitat.

- **Clean Water Act (Refer to Section 3.9.2 of the EA)**

After reviewing the Wood Creek Cattle and Horse "On-Off" Allotment EA and project record, I find that the selected alternative is consistent with the Clean Water Act (CWA).

- **Executive Order 11988, Floodplain Management (Refer to Section 3.9.3 of the EA)**

After reviewing the Wood Creek Cattle and Horse "On-Off" Allotment EA and project record, I find that the selected alternative will not increase flood hazards.

- **Executive Order 11990, Protection of Wetlands (Refer to Section 3.9.4 of the EA)**

After reviewing the Wood Creek Cattle and Horse "On-Off" Allotment EA and project record, I find that the selected alternative will not result in net loss of wetlands.

- **Departmental Regulation 9500-3, Prime Farmland, Rangeland, and Forest Land (Refer to Section 3.9.5 of the EA)**

After reviewing the Wood Creek Cattle and Horse "On-Off" Allotment EA and project record, I find that there are no prime farmlands, rangeland, or forest lands located on the Boise National Forest (Boise National Forest Revised Land and Resource Management Plan FEIS, p. 3-979).

- **Executive Order 12898, Environmental Justice (Refer to Section 3.9.7 of the EA)**

After reviewing the Wood Creek Cattle and Horse "On-Off" Allotment EA and project record, I find that the selected alternative is in compliance with Executive Order 12898, "*Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations*." The selected alternative would not place any burden or disproportionate impact which could be considered an environmental injustice on any segment of the population. The proposal would not result in unequal protection of any part of the population of Elmore County, Idaho.

- **Executive Order 13186 and the Migratory Bird Treaty Act of 1918 (Refer to Section 3.9.8 of the EA)**

After reviewing the Wood Creek Cattle and Horse "On-Off" Allotment EA and project record, I find that migratory birds will not be significantly affected by the selected alternative. Migratory birds are present during the implementation period (normally present from the end of June to October). Activities associated with the selected alternative could displace individuals any time during this period. Unintentional take could occur through destruction of nests and nestlings. Activities associated with grazing on this allotment would have little influence on migratory birds. Most migratory bird species are finished with the nesting period by July 1 and young have reached the fledged stage allowing them to fly out of harm.

IMPLEMENTATION DATE

This decision will be implemented at the start of the 2010 grazing season for this allotment, on June 1, 2010.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is subject to administrative appeal pursuant to 36 CFR Part 215, only by those individuals and organizations who provided comments or otherwise expressed interest during the 30-

day comment period on the proposed action. The appeal must meet the requirements at 36 CFR §215.14.

The Appeal Deciding Officer is Cecilia R. Seesholtz, Forest Supervisor, Boise National Forest. Appeals filed by regular mail or express delivery must be sent to: Appeal Deciding Officer; Intermountain Regional Office; 324 25th Street; Ogden, UT 84401. Incorporation of documents by reference is not allowed.

Appeals may also be hand-delivered to the above address between the hours of 8:00 AM and 4:30 PM Mountain Time, Monday through Friday, excluding holidays. Appeals may also be submitted via fax at (801) 625-5277.

Electronic appeals must be submitted in a rich text format (.rtf) or Microsoft Word (.doc) format as an email message to: appeals-intermtn-regional-office@fs.fed.us. E-mailed appeals must include the project name in the subject line. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in *The Idaho Statesman*, the newspaper of record, Boise, Idaho. Attachments received after the 45-day appeal period will not be considered. The publication date in *The Idaho Statesman*, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

CONTACT PERSON

For further information concerning this decision, or for a copy of the Wood Creek Cattle and Horse "On-Off" Allotment EA, and this Decision Notice/Finding of No Significant Impact, contact Tina Ruffing, Range Management Staff Officer, Mountain Home Ranger District, 2180 American Legion Blvd., Mountain Home, ID 83647 (208) 587-7961.



THOMAS WHITFORD
Acting District Ranger
Mountain Home Ranger District

9-29-09

Date